

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of SHY'YA M. HOWARD, JOSHUA  
WILLIAMS, and LEGEND VIRGIL, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

NAOMI WARENE WILLIAMS, a/k/a NAOMI  
WARENE VIRGIL,

Respondent-Appellant,

and

WILLIE HOWARD, KENNY RAY, and DARRIN  
VIRGIL,

Respondents.

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Before: Murphy, P.J., and White and Smolenski, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to her minor children under MCL 712A.19b(3)(c)(g) and (i). We affirm.

The trial court did not clearly err in finding the statutory grounds for termination of respondent-appellant's parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 355-356; 612 NW2d 407 (2000). The children entered the court's custody because of respondent-appellant's substance abuse, homelessness, domestic violence, and mental health problems. While respondent-appellant did make progress towards compliance, she failed to comply with important provisions of her treatment plan. She "disappeared" for several months in early 2004; during this time she admitted using drugs and did not visit the children, contact the social worker, go to her job, attend therapy, or provide drug screens. After being released from jail on a retail fraud charge, respondent-appellant missed the first termination hearing to gamble with friends in Canada. Furthermore, respondent had been in seven treatment programs and had a fifteen-year history of abusing crack cocaine, marijuana, and

alcohol; and, although she was in a treatment program, her prognosis was only fair. Respondent-appellant did complete some of the terms of her treatment plan, but had a positive alcohol screen and two periods where she could not be located. She also failed to complete individual therapy and required another six months in intensive treatment and one to two years in a structured environment to deal with her substance abuse. Under these facts, we cannot conclude that the trial court erred in terminating respondent-appellant's parental rights. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly contrary to the best interests of the children. MCL 712A.19b(5). Although respondent-appellant loved her children, there was evidence that a strong emotional bond was lacking. Additionally, the evidence showed that the children were negatively affected by respondent's failure to visit consistently. Respondent-appellant's drug use was a constant factor in the children's lives that caused great instability and frequent upheaval.

Affirmed.

/s/ William B. Murphy  
/s/ Helene N. White  
/s/ Michael R. Smolenski